

# MINUTES

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**McCall City Council  
Regular Meeting  
Legion Hall (McCall City Hall - Lower Level)  
October 7, 2010**

## Agenda

Call to Order and Roll Call  
Executive Session  
Open Session  
Reports  
Pledge of Allegiance  
Approve the Agenda  
Public Comment  
Business Agenda  
Consent Agenda  
Executive Session  
Adjournment

## **CALL TO ORDER AND ROLL CALL**

**Mayor Bailey called the regular meeting of the McCall City Council to order at 5:00 p.m. Mayor Bailey, Council Member Delaney, and Council Member Scott answered roll call. A quorum was present. Council Member Witte was absent.**

City staff present was Lindley Kirkpatrick, City Manager; Terry White, City Attorney;

## **EXCUTIVE SESSION**

**At 5:00 p.m. Mayor Bailey moved to go into Executive Session for:**

- **Exempt Records - Pursuant to Idaho Code §67-2345(1)(d) To consider records that are exempt from disclosure as provided in chapter 3, title 9, Idaho Code; and**
- **Litigation – Pursuant to Idaho Code §67-2345(1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated..**

**Council Member Delaney seconded the motion. In a roll call vote Mayor Bailey, Council Member Delaney and Council Member Scott all voted aye and the motion passed.**

Council discussed the Bertram litigation issue and possible strategies and solutions.

## RETURN TO OPEN SESSION

**At 5:25 p.m. Council Member Delaney moved to return to open session. Council Member Scott seconded the motion. In a roll call vote Council Member Delaney, Council Member Scott, and Mayor Bailey all voted aye and the motion passed.**

Additional City Staff present were John Anderson, Airport Manager; Eric McCormick, Golf Course Superintendent; Michelle Groenevelt, Community Development Director; Linda Stokes, Treasurer; Carol Coyle, Grant Coordinator; Peter Borner, Public Works Director; and BessieJo Wagner, City Clerk.

## REPORTS

**Mayor Bailey led the audience in the Pledge of Allegiance at 5:32 p.m.**

Council Member Witte Joined the meeting at 5:34 p.m.

### Department Reports

Lindley Kirkpatrick commented that for the first time in more than six years every full time position for the City is currently filled.

There was a brief discussion about the driving range and a possible issue with threat of balls striking someone or someone's house. Eric McCormick, Golf Course Superintendent, explained that originally it was planned to plant some trees to create a barrier. There was some discussion as to the differences of an actual net being used or a tree barrier and the benefits of either. There was a concern of possible liability and Terry White, City Attorney, explained that generally a golfer is responsible for where their golf ball goes; however if the City allowed a golf course to be poorly designed and too short then the City could be liable.

Mayor Bailey commented that he would like to see a plan for the City to handle noxious weeds and for the plan to include enforcement of private home owners to handle their own noxious weed issues. Mayor Bailey would like this to be a topic for a future Council Meeting.

Council Member Delaney suggested a weekend cleanup to encourage community involvement and create awareness of the noxious weed issue.

Carol Coyle presented the Council with the America in Bloom award for the City that included a special recognition for community involvement. There were comments that the America in Bloom project was part of the economic development for the City.

### Committee Minutes

The Council received copies of the following committee minutes:

- McCall Urban Renewal Commission – July 30, 2010

- Environmental Advisory Committee – July 20, 2010
- Golf Advisory Committee – August 11, 2010
- Golf Advisory Committee – July 14, 2010
- McCall Public Library Board of Trustees – May 27, 2010
- McCall Public Library Board of Trustees – July 9, 2010
- McCall Public Library Board of Trustees – August 26, 2010
- McCall Improvement Committee – June 10, 2010
- McCall Improvement Committee – June 24, 2010
- McCall Improvement Committee – July 8, 2010
- McCall Improvement Committee – September 9, 2010
- Planning and Zoning Commission – August 10, 2010
- Airport Advisory Committee – September 9, 2010

**Mayor Bailey approved the agenda as presented.**

## **PUBLIC COMMENT**

**Mayor Bailey called for public comment at 6:00 p.m.**

Allen Macdonald, 1221 Forest Cove Road – Mr. Macdonald commented on the presented lake frontage code amendment. He questioned the reasoning for the amendment, also commented on the issue of lot splits and the difficulty it could create.

Mike Robnett, 1312 Dawson Ave – Spring Mountain Meadows – Mr. Robnett commented on the trees for screening at the golf course stating that he was concerned for the safety of those who live close to the Golf Course. He stated that a tree buffer would be best in the long run; however they would take 10 or more years to mature. He stated that by installing a net it would show that honest effort had been made to protect those close to the course.

**Hearing no further comments, Mayor Bailey closed the public comment period.**

## **BUSINESS AGENDA**

### **AB 10-220 Environmental Advisory Committee (EAC) Member Appointment**

Michelle Groenevelt, Community Development Director, stated that Fred Coriell submitted a letter of interest and attended a meeting to confirm that he was interested in being a member of the Environmental Advisory Committee.

**Council Member Delaney moved to appoint Fred Coriell to the Environmental Advisory Committee to a term to expire January 2012. Council Member Scott seconded the motion. In a voice vote all members voted aye and the motion carried.**

**AB 10-221 CA-09-01: Code Amendment – Lake Frontage Minimum for Residential Zones and Alternatives**

Michelle Groenevelt, Community Development Director, stated that this code amendment had been to Council several times. Each time there had been various community comments that have brought up some questions that need to be clarified for the Council. She stated that a joint session for the City Council and Planning and Zoning Commission had been scheduled so that the Council could then give direction on whether or not to pursue the proposed code amendment.

Mayor Bailey wanted to confirm that if needed all property owners around the lake could be notified in the event an amendment is recommended. Ms. Groenevelt confirmed that they could.

Council Member Scott asked that examples of small, medium, and large lots to be provided at the meeting, and describe the implications if the lot were to become nonconforming due to the code amendment.

**Council did not take action on the proposed code amendment CA-09-01. The item will be discussed with McCall Area Planning and Zoning Commission at the October 22, 2010 work session. Based on the outcome of the work session, staff will provide additional information and prepare the necessary documents for the November 18, 2010 meeting.**

**AB 10-226 Local Option Tax Revenue Update**

BessieJo Wagner, City Clerk stated that at the February 25, 2010 City Council Meeting staff advised Council that the LOT revenue was showing a 17% decrease from the four year average LOT revenue. The Council voted to holdback 15% of the recommended funding for the remainder of the FY10 LOT projects due to the revenue shortfall. Ms Wagner stated that the City is able to pay all scheduled recipients (at their 15% reduced amount) with what has been received to date. Staff is asking for direction from the Council as to how the remainder of the funds will be disbursed. Staff asked that the Council consider the following three options:

1. Pay each of the projects the remaining 15%
2. Fund the Contingent projects at 85%
3. Return the monies to the tax payers in the form of property tax reduction

Council Member Delaney stated that she was in favor of option #1.

Council Member Witte was also in favor of option #1, and suggested that the funding start with the smaller dollar amounts.

Mayor Bailey suggested involvement by the LOT Commission with the determination of how to disburse the funds.

**Mayor Bailey moved that staff, in conjunction with the LOT Commission if they choose to participate, determine which of the projects that have been funded will receive their additional 15%, and with any funds left overt fund as many of the projects on the contingency list as are possible. Council Member Delaney seconded the motion. In a voice vote all members votes aye and the motion carried.**

**AB 10-224 City Council to Provide Direction re: confidential matter discussed in Executive Session pursuant to IC 67-2345(1)(d)**

**Mayor Bailey moved that the Council direct the City Attorney to prepare a settlement agreement with the Pancake House accepting their proposed settlement as discussed in Executive Session. Council Member Delaney seconded the motion. In a voice vote Mayor Bailey, Council Member Delaney and Council Member Scott all voted aye. Council Member Witte abstained.**

**AB 10-225 Selection of New Council Member**

Due to the resignation of Bert Kulesza, as of October 1, 2010, the Council will adjourn into the Committee of the Whole to nominate a candidate for Council. There was an ad in the Star News as well as on the City's website stating that there was a vacancy on the City Council. There were three letters of interest received, Robert Lyons, Jackie Aymon, and Ballard Smith. The appointment will be for the remainder of 2010 and all of 2011, and will go to the voters in November of 2011.

**Mayor Bailey moved to adjourn the regular meeting to convene the Committee of the Whole. Council Member Delaney seconded the motion. In a voice vote all members voted aye and the motion carried.**

The Committee of the Whole discussed whether there was an adequate pool of candidates. It was decided that sufficient amount of time was given for those interested to respond and that three candidates were sufficient. Mayor Bailey stated that he had met with each candidate separately as did each of the Council Members and thought that each candidate would be qualified to be on the Council.

Council Member Scott stated that she was happy with the pool of candidates, stating that she knew two of the candidates fairly well and that they would be a positive addition. She also stated that she felt that all three had complementary strengths to the existing Council Members.

Council Member Delaney stated that two of the candidates, Ms. Aymon and Mr. Lyons, participate within the community at a high level, which demonstrates their desire to participate.

Council Member Witte stated that she had spoken with the City's attorney to ensure that although she worked with Jackie Aymon she could still express her opinion. The attorney confirmed that it would not be a conflict of interest considering that Council Member Witte did not write Ms. Aymon's performance evaluations or determine her salary. With that clarification, Council Member Witte spoke highly of Ms. Aymon's qualifications and felt that she would make a positive addition to the City Council. She stated that Ms. Aymon has proven her commitment level as she currently serves on two City Committees, the Transportation Advisory Committee and the Local Option Tax Commission.

Council Member Scott stated that she supported Mr. Smith as he could bring some interesting legal expertise to the Council. She also liked what Mr. Lyons has brought to the Council as a citizen who participates at Council Meetings. She also stated that although she did not know Ms.

Aymon very well she was impressed with what she had seen. She stated that it was a difficult position with three very qualified candidates.

Council member Delaney expressed some concerns with candidate Ballard Smith saying that she was concerned with his time commitment.

Mayor Bailey stated that he would go with the majority vote so essentially it was up to Council Member Delaney, Council Member Scott and Council Member Witte to agree on a candidate.

Council Member Witte recommended that they appoint Jackie Aymon. Council Member Delaney would also support Ms Aymon; however she would like for all of the Council Members to come to a consensus. Council Member Scott stated that she too would support Ms. Aymon.

**Mayor Bailey moved to come out of the session as the Committee of the Whole and reconvene the regular City Council Meeting. Council Member Delaney seconded the motion. In a voice vote all members voted aye and the motion carried.**

**Mayor Bailey appointed Jackie Aymon as City Council Member.**

**Council Member Delaney moved to confirm the appointment of Jackie Aymon as City Council Member. Council Member Scott seconded the motion. In a voice vote all members voted aye and the motion carried.**

## **CONSENT AGENDA**

Staff recommended approval of the following items:

- Warrant Registers printed on 10/1/10
- Payroll Report for Period ending 9/17/10
- AB 10-218 2010-2011 Winter Snow Removal Equipment Rental
- AB 10-219 Resolution 10-18: Commitment to Renewable Energy
- AB 10-222 Sidewalk Easement – Pines and Palms to the City of McCall
- AB 10-223 Sidewalk Easement – Boyd to the City of McCall
- AB 10-227 Assumption of lease for Greystone Village #3, Lot 5, Block 3, from Idaho Housing and Finance Association to Dana and Michelle Borgquist (ADDED 10/06/10)

Some discussion took place to clarify the warrant register. Some discussion took place to clarify the sidewalk easements

**Council Member Delaney moved to approve the Consent Agenda as presented and authorize the Mayor to sign all necessary documents. Council Member Scott seconded the motion. In a roll call vote, Council Member Scott, Council Member Delaney, Mayor Bailey, and Council Member Witte all voted aye and the motion passed.**

EXCU

At 7:10 p.m. Mayor Bailey moved to go into Executive Session for:

- **Litigation – Pursuant to Idaho Code §67-2345(1) (f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.**

**Council Member Delaney seconded the motion. In a roll call vote Mayor Bailey, Council Member Scott, Council Member Delaney, and Council Member Witte all voted aye and the motion passed.**

Kim Trout, Attorney joined the meeting via phone.

Council discussed the Payette Lakes Water and Sewer District litigation issues and possible strategies and solutions.

Without further business, the Mayor adjourned the meeting at 9:20 p.m.